



***Town of Tyngsborough  
Conservation Commission***

25 Bryants Lane  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext. 116  
Fax: (978) 649-2301

Minutes  
June 9, 2015  
**APPROVED**

**Present:**

**BM:** Brian Martin      **JE:** Jerry Earl      **PM:** Pat Mical      **LB:** Linda Bown      **LG:** Lucy Gertz  
**JK:** Jeff Kablik      **ES:** Ed Smith      **MM:** Matt Marro

**Attachments:**

1. Agenda
2. 500 Dunstable Rd. Stormwater Management Permit Application – April 2015
3. Proposed Draft Agreement between the Town of Tyngsborough & the River Bend Flyers Club
4. Hunter/Norton Property GIS Map
5. Hunter/Norton Property Runway Picture
6. Tighe & Bond Noise Sampling Results Report – 6/8/15
7. Morgan High Performance Lubricants Safety Data Sheet
8. 17 Merrimac Way Pictometry Photo
9. Charles George 2007 Irrevocable Trust Draft Conservation Restriction

**7:00pm** Chairman BM opened meeting

**7:03pm** **500 Dunstable Rd. – Charles George Reclamation Trust Landfill (Map 14, Parcels 13, 14, 14A, 15, 16) – Request for a Stormwater Management Permit for the proposed construction of a solar photovoltaic ground-mounted array along with associated site improvements on 11.6 acres. Continued from May 26, 2015.**

MM reported that the Board of Selectmen met on June 8<sup>th</sup> to discuss this project and there was a general consensus of support; however, they are concerned with the back-tax issue. Additionally, the Assessor's office, and Tax Collector also had concerns with the outstanding taxes due that are in excess of \$1 million dollars. He went on to say that the Board of Selectmen are working with Town Counsel on the back-tax issue.

There were lingering concerns by the Commission and some residents in attendance with the entire concept of installing solar panels on a capped landfill. MM noted that the project must be approved by the EPA and DEP before any work can be done. In addition, there will be a 3rd party environmental engineer monitoring the entire project from beginning to end and beyond. He went on to add that the project has met all of the standards under the Town's By-laws.

**ES:** Motion to close the public portion of the hearing

**JE:** 2<sup>nd</sup> the motion

**In Favor: 7 Opposed: 0**

**Passes: 7-0**

**ES:** Motion to issue a Stormwater Management Permit for 500 Dunstable Rd. per plans dated April 24, 2015 conditioned on the project being approved by the EPA and Mass DEP; and that all back-taxes are paid.

**JE:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 3**

**Passes: 4-3**

**7:25pm** Proposed Flying Site for Remote Control Aircraft (Hunter/Norton Properties) – **Continued from May 26, 2015.**

MM reported that industrial hygienists from Tighe & Bond issued the noise study report which concluded that the sound levels measured during the evaluation show no obvious instances of noise pollution created by the operation of the model air planes, and that the model airplane did not exceed the decibel levels noted in the Town's Zoning By-Laws.

Per the Commission's request a Safety Data Sheet was provided for the lubricants used on the model airplanes. MM presented a draft agreement that the Commission could discuss and edit where necessary prior to submission to Town Counsel for review. Among the many suggested changes were "no fly zone" limits, cameras and videotaping, flying times, allowed fuels, and the types of model planes allowed to fly. Several residents spoke vehemently against this activity citing major ongoing concerns with safety, noise, traffic, cameras, signage, and endangered species habitats.

The Commission requested that MM make the changes discussed tonight and that they vote on the proposal at the next meeting June 23, 2015.

**JE:** Motion to continue the hearing until June 23, 2015.

**ES:** 2<sup>nd</sup> the motion

**In Favor: 7 Opposed: 0**

**Passes: 7-0**

**9:00pm** **Certificates of Compliance:**

1. **17 Merrimac Way, Unit 17A** – Request for a Partial Certificate of Compliance, DEP# 309-0769. Order of Conditions issued 3/29/06.

**ES:** Motion to approve a Partial Certificate of Compliance for 17 Merrimac Way, Unit 17A DEP# 309-0769.

**JE:** 2<sup>nd</sup> the motion

**In Favor: 7 Opposed: 0**

**Passes: 7-0**

2. **273 Pawtucket Blvd.** – Request for a Certificate of Compliance, DEP# 309-162. Order of Conditions issued 9/13/1989.

**JK:** Motion to approve a Certificate of Compliance for 273 Pawtucket Blvd. DEP# 309-162.

**ES:** 2<sup>nd</sup> the motion

**In Favor: 7 Opposed: 0**

**Passes: 7-0**

### **Director's Determinations**

1. **88 Chestnut Rd.** – Removal of storm damaged trees.

**JK:** Motion to approve the Director's Determination for 88 Chestnut Rd.

**JE:** 2<sup>nd</sup> the motion

**In Favor: 7 Opposed: 0**

**Passes: 7-0**

2. **29 Elm St.** – Removal of dead trees

**ES:** Motion to approve the Director's Determination for 29 Elm St.

**JE:** 2<sup>nd</sup> the motion

**In Favor: 7 Opposed: 0**

**Passes: 7-0**

### **Director's Report**

1. Charles George Draft Conservation Restriction

Atty. Soboleski for the Charles George Reclamation Trust appeared before the Commission with a draft conservation restriction on a clean parcel of land to be decreed to the Town. As part of the Consent Decree entered by the US District Court in USA v. Charles George, the land would be held as a whole by the Charles George 2007 Irrevocable Trust, with no separate entity, and a Conservation Restriction imposed on it, thereby not beholding the Town of any ownership or responsibility. The Commission must vote to accept the Conservation Restriction which wouldn't be executed until the Federal government approved it first.

**JE:** Motion to accept the Conservation Restriction from The Charles George 2007 Irrevocable Trust for land known as Map 21, Parcel 35.

**ES:** 2<sup>nd</sup> the motion

**In Favor: 7 Opposed: 0**

**Passes: 7-0**

2. Sherburne Nature Center/Trails Committee Report: MM inspected the property in preparation for the Trustees' visit, and everything looked good.

**Administrative:**

P. Berman reported that the Town's computer server is still down and the files are inaccessible. Therefore, no minutes were available to vote on tonight.

**9:15pm**

**LB:** Motion to adjourn

**ES:** 2<sup>nd</sup> the motion

**In Favor: 7 Opposed: 0**

**Passes: 7-0**

Respectfully for the Conservation Commission,

Pamela Berman  
Administrative Assistant